



**receipt**  
94-383-A

Account: R0C14150  
Number: 370

Date: 3/29/94  
F. Atkins  
7633 CHARLEMONT RD

CIC - IMPROVEMENT - \$ 50.00  
ACC - SIGN - \$ 35.00  
TOTAL - \$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 370

Petitioner: \_\_\_\_\_  
Location: 7633 CHARLEMONT RD.

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: THOMAS ATKINS  
ADDRESS: 7239 HOLABIRD AVE.  
DUNDALK, MD. 21222  
PHONE NUMBER: 282-0682

AJ:ggs (Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY  
April 14, 1994 Issue - Jeffersonian

Please forward billing to:  
Thomas Atkins  
7239 Holabird Avenue  
Dundalk, Maryland 21222  
282-0682

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370)  
7633 Charlemont Road  
S/S Charlemont Road, 340' NW of c/l Jansford  
15th Election District - 7th Councilmanic  
Petitioner(s): Thomas A. Atkins  
HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

LAURENCE R. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

APRIL 8, 1994

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370)  
7633 Charlemont Road  
S/S Charlemont Road, 340' NW of c/l Jansford  
15th Election District - 7th Councilmanic  
Petitioner(s): Thomas A. Atkins  
HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Thomas A. Atkins  
N. Samuel Vetri

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 2, 1994

M. Samuel Vetri, Esquire  
2111 Merritt Avenue  
Baltimore, Maryland 21222

RE: Case No. 94-383-A, Item No. 370  
Petitioner: Thomas W. Atkins  
Petition for Variance

Dear Mr. Vetri:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 29, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

4-8-94

Re: Baltimore County  
Item No. 4370 (RT)

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID H. RAMSEY, ACTING CHIEF  
John Covatta, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: April 11, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 356, 367, 369, 370, 372 and 375.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*  
Division Chief: *Edy Kears*

PK/JL:lw

ZAC356/PZONE/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 04/12/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:  
LOCATION:  
Item No.: Zoning Agenda:  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366,367,369,370,371 and 375.

**RECEIVED**  
APR 13 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Charlesmont Road, 340 ft. \* ZONING COMMISSIONER  
NW of c/l Jamesford \*  
7633 Charlesmont Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \*  
Thomas A. Atkins \* Case No. 94-383-A  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 7633 Charlesmont Road in the Belsford Section of Charlesmont in Baltimore County. The Petition is filed by Thomas W. Atkins, property owner. Relief is requested from the strict adherence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.) which were in effect from 1945 to 1953. Specifically, relief is requested to allow an existing garage to occupy more than 35% of the rear yard.

Appearing at the requisite public hearing was the Petitioner/property owner, Thomas W. Atkins. He was represented by M. Samuel Vetri, Esquire. Appearing in opposition to the request was Dallas Keefover who resides at 7637 Charlesmont Road.

Testimony and evidence presented was that the subject property is known as lot No. 24 of the Belsford Section of Charlesmont. Charlesmont is a long established residential community in eastern Baltimore County. The subject property is zoned 10.5 and the property is approximately .049 acres in area. The Charlesmont community is a row house community and the subject property is developed with an inside row home. The lot is 18 ft. wide and 100 ft. deep. The variance requested relates to an existing garage which is located in the rear yard. This garage is 12 ft. x 24 ft. in dimension. It is built in the center of the property and according to the site plan, there is a 3 ft. setback on either side.

The development was laid out and platted many years ago. Therefore, the zoning regulations in effect from 1945 to 1953 are applicable to development in this subdivision. Those regulations require that any accessory structure cannot occupy more than 35% of the rear yard. The subject garage, which is considered an accessory structure, occupies a larger area than that allowed. Thus, the Petitioner has filed a request for variance relief in order to legitimize the existing situation.

Mr. Atkins further testified that he has owned the property since December of 1963. He originally decided to build a garage in 1973, however, it took him several years to move forward with the project. Construction actually commenced and the garage was completed in 1977. Mr. Atkins also testified that the garage was constructed pursuant to a permit which was obtained from Baltimore County. Unfortunately, however, he was unable to produce the permit because same had not been kept and a copy was not available through the County records. The garage is approximately 13 ft. in height and has a peaked roof. It is set back approximately 15 ft. from the rear property line which runs along an alley among this row of townhouses. The garage is used for storage of an automobile, furniture and various household items. Further, Mr. Atkins testified that it would be a great expense and inconvenience for him to tear down this garage which has existed at the site for some 17 years.

As noted above, a concerned neighbor, Dallas Keefover appeared and testified. He is primarily concerned about the condition of the subject property and the garage. As shown in the pictures presented by the witness, the property is not well kept. The garage is in a bad state of repair and the lawn is littered with debris. Mr. Keefover is concerned about the upkeep of the property.

-2-

An area variance may be granted from strict adherence to the B.C.Z.R. when the Petitioner demonstrates that a practical difficulty would result if the requested relief was denied. Moreover, the Petitioner must demonstrate that the relief can be fashioned so as to observe the spirit and intent of the ordinance and without detriment to the surrounding locale. Applying the facts of this case to those tests, I am persuaded that the variance should be granted. It is of particular note that this garage has been in place for many years. There is no evidence that continued use of the garage would be detrimental to the surrounding locale. Required demolition or reduction in the size of the garage would be inappropriate and is not warranted.

Nonetheless, I am appreciative of Mr. Keefover's concerns. The photographs show that the tenants who lease the house and garage from Mr. Atkins have not taken care of the property. As a property owner, Mr. Atkins bears ultimate responsibility for the condition of this site. As noted above, this is an established community and it is improper to subject the neighbors and homeowners in the vicinity to the eyesore which results when the property is not kept up. Thus, as a condition precedent to the granting of the variance, I shall require the Petitioner to maintain this property. Specifically, it should be kept free of trash and debris and the garage should be of sound integrity so as to prevent potential injury and damage to the public and the property owners. Thus, appropriate restrictions shall be added to ensure these standards.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May, 1994 that a variance from the strict adherence

-3-

ence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.), which were in effect from 1945 to 1953, and to allow an existing garage to occupy more than 35% of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The property shall be kept clear of trash and debris.
3. The subject garage shall be inspected by an inspector of the Zoning Enforcement Division of the Office of Zoning Administration and Development Management to ensure that same is structurally sound. In the event, the integrity of the garage fails to meet the applicable building standards and poses a danger to the property owner and community, the Petitioner shall be responsible for improvements as may be deemed necessary by the inspector.
4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmm

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 12, 1994

M. Samuel Vetri, Esquire  
2111 Merritt Avenue  
Baltimore, Maryland 21222

RE: Case No. 94-383-A  
Petition for Zoning Variance  
Property: 7633 Charlesmont Road  
Thomas W. Atkins, Petitioner

Dear Mr. Vetri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. Thomas W. Atkins  
cc: Mr. Dallas Keefover



# Petition for Variance

94-383-A  
to the Zoning Commissioner of Baltimore County  
for the property located at 7633 Charlesmont Road  
which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (Section 1 Definitions 1945-53, BCZR) To allow an existing garage to occupy more than 35% of the rear yard.

If the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, indicate hardship or practical difficulty: Garage was erected in April 1977 after applying for and receiving a permit from Baltimore County. After each stage of construction, Building was inspected by Baltimore County. Removing this garage, after 17 years will create a great financial hardship on the Petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expense of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Project Purchaser (Name)

Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Legal Owner(s)

Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

## EXAMPLE 3 - Zoning Description

- 3 copies  
94-383-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7633 CHARLESMT RD

Election District 15 Councilmanic District 7

Beginning at a point on the SOUTH side of (north, south, east or west)

CHARLES MONT RD which is 60' (number of feet of right-of-way width)

wide at a distance of 340' ± NW of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street JAMESFORD (name of street)

which is 60' wide. \*Being Lot # 24 (number of feet of right-of-way width)

Block D, Section # in the subdivision of

BELSFORD SECT. OF CHARLESMT recorded in Baltimore County Plat (name of subdivision)

Book # GLB # 24, Folio # 6, containing

2,142.58 SQ. FT. OR 0.049 AC. (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

7

ITEM # 370

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Date of Posting 4/27/94  
Posted for: Variance  
Petitioner: Thomas W. Atkins  
Location of property: 7633 Charlesmont Rd, 15  
Location of Sign: Facing Charlesmont Rd, Property Line, 7633  
Remarks: M. Samuel Vetri  
Posted by: M. Samuel Vetri Date of return: 4/29/94  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., April 15, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 14, 1994.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON





receipt  
94-383-A  
Date 3/29/94  
F. Atkins  
7633 CHARLEMONT RD  
C/O - LAMARCA - \$ 50.00  
C/O - DEN - \$ 35.00  
TOTAL - \$ 85.00  
Please Make Checks Payable To: Baltimore County  
CASHIER VALIDATION

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES  
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.  
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.  
PAYMENT WILL BE MADE AS FOLLOWS:  
1) Posting fees will be assessed and paid to this office at the time of filing.  
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.  
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.  
Arnold Jablon, DIRECTOR  
For newspaper advertising:  
Item No.: 370  
Petitioner:  
Location: 7633 CHARLEMONT RD.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: THOMAS ATKINS  
ADDRESS: 7239 HOLABIRD AVE.  
DUNDALK, MD. 21222  
PHONE NUMBER: 282-0682  
AJ:ggs (Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY  
April 14, 1994 Issue - Jeffersonian  
Please forward billing to:  
Thomas Atkins  
7239 Holabird Avenue  
Dundalk, Maryland 21222  
282-0682  
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 94-383-A (Item 370)  
7633 Charlemont Road  
S/S Charlemont Road, 340' NW of c/l Jansford  
15th Election District - 7th Councilmanic  
Petitioner(s): Thomas A. Atkins  
HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.  
Variance to allow an existing garage to occupy more than 35% of the rear yard.  
LAWRENCE F. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY  
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
APRIL 8, 1994  
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 94-383-A (Item 370)  
7633 Charlemont Road  
S/S Charlemont Road, 340' NW of c/l Jansford  
15th Election District - 7th Councilmanic  
Petitioner(s): Thomas A. Atkins  
HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.  
Variance to allow an existing garage to occupy more than 35% of the rear yard.  
Arnold Jablon, DIRECTOR  
cc: Thomas A. Atkins  
N. Samuel Vetri  
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353  
May 2, 1994  
M. Samuel Vetri, Esquire  
2111 Merritt Avenue  
Baltimore, Maryland 21222  
RE: Case No. 94-383-A, Item No. 370  
Petitioner: Thomas W. Atkins  
Petition for Variance  
Dear Mr. Vetri:  
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.  
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 29, 1994, and a hearing was scheduled accordingly.  
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.  
1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation  
State Highway Administration  
O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator  
4-8-94  
Re: Baltimore County  
Item No. 4370 (RT)  
Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Dear Ms. Minton:  
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.  
Please contact Bob Small at 410-333-1350 if you have any questions.  
Thank you for the opportunity to review this item.  
Very truly yours,  
Bob Small  
for DAVID H. RAMSEY, ACTING CHIEF  
John Covatta, Chief  
Engineering Access Permits  
Division  
BS/  
My telephone number is  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: April 11, 1994  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Petitions from Zoning Advisory Committee  
The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 356, 367, 369, 370, 372 and 375.  
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.  
Prepared by: Jeffrey W. Long  
Division Chief: Edny Kears  
PK/JL:lw  
ZAC356/PZONE/ZAC1

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21286-5500 (410) 887-4500  
DATE: 04/12/94  
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105  
RE: Property Owner:  
LOCATION:  
Item No.: Zoning Agenda:  
Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.  
B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366,367,369,370,371 and 375.  
RECEIVED  
APR 13 1994  
ZADM  
REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F  
cc: File



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Charlesmont Road, 340 ft. \* ZONING COMMISSIONER  
NW of c/l Jamesford \*  
7633 Charlesmont Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \*  
Thomas A. Atkins \* Case No. 94-383-A  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 7633 Charlesmont Road in the Belsford Section of Charlesmont in Baltimore County. The Petition is filed by Thomas W. Atkins, property owner. Relief is requested from the strict adherence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.) which were in effect from 1945 to 1953. Specifically, relief is requested to allow an existing garage to occupy more than 35% of the rear yard.

Appearing at the requisite public hearing was the Petitioner/property owner, Thomas W. Atkins. He was represented by M. Samuel Vetri, Esquire. Appearing in opposition to the request was Dallas Keefover who resides at 7637 Charlesmont Road.

Testimony and evidence presented was that the subject property is known as lot No. 24 of the Belsford Section of Charlesmont. Charlesmont is a long established residential community in eastern Baltimore County. The subject property is zoned 10.5 and the property is approximately .049 acres in area. The Charlesmont community is a row house community and the subject property is developed with an inside row home. The lot is 18 ft. wide and 100 ft. deep. The variance requested relates to an existing garage which is located in the rear yard. This garage is 12 ft. x 24 ft. in dimension. It is built in the center of the property and according to the site plan, there is a 3 ft. setback on either side.

The development was laid out and platted many years ago. Therefore, the zoning regulations in effect from 1945 to 1953 are applicable to development in this subdivision. Those regulations require that any accessory structure cannot occupy more than 35% of the rear yard. The subject garage, which is considered an accessory structure, occupies a larger area than that allowed. Thus, the Petitioner has filed a request for variance relief in order to legitimize the existing situation.

Mr. Atkins further testified that he has owned the property since December of 1963. He originally decided to build a garage in 1973, however, it took him several years to move forward with the project. Construction actually commenced and the garage was completed in 1977. Mr. Atkins also testified that the garage was constructed pursuant to a permit which was obtained from Baltimore County. Unfortunately, however, he was unable to produce the permit because same had not been kept and a copy was not available through the County records. The garage is approximately 13 ft. in height and has a peaked roof. It is set back approximately 15 ft. from the rear property line which runs along an alley among this row of townhouses. The garage is used for storage of an automobile, furniture and various household items. Further, Mr. Atkins testified that it would be a great expense and inconvenience for him to tear down this garage which has existed at the site for some 17 years.

As noted above, a concerned neighbor, Dallas Keefover appeared and testified. He is primarily concerned about the condition of the subject property and the garage. As shown in the pictures presented by the witness, the property is not well kept. The garage is in a bad state of repair and the lawn is littered with debris. Mr. Keefover is concerned about the upkeep of the property.

-2-

An area variance may be granted from strict adherence to the B.C.Z.R. when the Petitioner demonstrates that a practical difficulty would result if the requested relief was denied. Moreover, the Petitioner must demonstrate that the relief can be fashioned so as to observe the spirit and intent of the ordinance and without detriment to the surrounding locale. Applying the facts of this case to those tests, I am persuaded that the variance should be granted. It is of particular note that this garage has been in place for many years. There is no evidence that continued use of the garage would be detrimental to the surrounding locale. Required demolition or reduction in the size of the garage would be inappropriate and is not warranted.

Nonetheless, I am appreciative of Mr. Keefover's concerns. The photographs show that the tenants who lease the house and garage from Mr. Atkins have not taken care of the property. As a property owner, Mr. Atkins bears ultimate responsibility for the condition of this site. As noted above, this is an established community and it is improper to subject the neighbors and homeowners in the vicinity to the eyesore which results when the property is not kept up. Thus, as a condition precedent to the granting of the variance, I shall require the Petitioner to maintain this property. Specifically, it should be kept free of trash and debris and the garage should be of sound integrity so as to prevent potential injury and damage to the public and the property owners. Thus, appropriate restrictions shall be added to ensure these standards.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May, 1994 that a variance from the strict adherence

-3-

ence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.), which were in effect from 1945 to 1953, and to allow an existing garage to occupy more than 35% of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The property shall be kept clear of trash and debris.
3. The subject garage shall be inspected by an inspector of the Zoning Enforcement Division of the Office of Zoning Administration and Development Management to ensure that same is structurally sound. In the event, the integrity of the garage fails to meet the applicable building standards and poses a danger to the property owner and community, the Petitioner shall be responsible for improvements as may be deemed necessary by the inspector.
4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 12, 1994

M. Samuel Vetri, Esquire  
2111 Merritt Avenue  
Baltimore, Maryland 21222

RE: Case No. 94-383-A  
Petition for Zoning Variance  
Property: 7633 Charlesmont Road  
Thomas W. Atkins, Petitioner

Dear Mr. Vetri:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. Thomas W. Atkins  
cc: Mr. Dallas Keefover



# Petition for Variance

94-383-A  
to the Zoning Commissioner of Baltimore County  
for the property located at 7633 Charlesmont Road  
which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (Section 1 Definitions 1945-53, BCZR) To allow an existing garage to occupy more than 35% of the rear yard.

If the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, indicate hardship or practical difficulty: Garage was erected in April 1977 after applying for and receiving a permit from Baltimore County. After each stage of construction, Building was inspected by Baltimore County. Removing this garage, after 17 years will create a great financial hardship on the Petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expense of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Project Purchaser (Name)

Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Legal Owner(s)

Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

Signature of Thomas W. Atkins

## EXAMPLE 3 - Zoning Description

- 3 copies  
94-383-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7633 CHARLES MONT RD

Election District 15 Councilmanic District 7

Beginning at a point on the SOUTH side of (north, south, east or west)

CHARLES MONT RD which is 60' (number of feet of right-of-way width)

wide at a distance of 340' ± NW of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street JAMESFORD (name of street)

which is 60' wide. \*Being Lot # 24 (number of feet of right-of-way width)

Block D, Section # in the subdivision of

BELSFORD SECT. OF CHARLES MONT recorded in Baltimore County Plat (name of subdivision)

Book # GLB # 24, Folio # 6, containing

2,142.58 SQ. FT. OR 0.049 AC. (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

ITEM # 370

7

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Councilmanic Date of Posting 4/12/94  
Posted for: Variance  
Petitioner: Thomas W. Atkins  
Location of property: 7633 Charlesmont Rd, 15th Councilmanic District  
Location of Sign: Posting on S. Hwy. on property line, facing road  
Remarks: M. Samuel Vetri  
Posted by: M. Samuel Vetri Date of return: 4/14/94  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., April 15, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 14, 1994.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON